

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/28/22

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UNITED STATES OF AMERICA,  
:  
-against-  
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TOMAS COLON,  
:  
Defendant.  
:  
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18-CR-526 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 12, 2022, Defendant Tomas Colon appeared for an arraignment with his attorney before Magistrate Judge James L. Cott, *see* Dkt. 366;

WHEREAS Mr. Colon pled not guilty;

WHEREAS the parties appeared for a conference on July 15, 2022, *see* Dkt. 369;

WHEREAS at that conference, the Court, pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982), inquired into Mr. Colon's understanding of potential conflicts of interest arising from his attorney's prior representation of Defendants Hector Caba Batista and Octavio Molina-Acevedo;

WHEREAS the Court then appointed Andrew G. Patel for the limited purpose of advising Mr. Colon on the potential risks of proceeding with his chosen counsel;

WHEREAS on July 28, 2022, the Court continued the *Curcio* hearing, with the parties and conflict-free counsel in attendance; and


WHEREAS the Court, after conducting further inquiry, found that Mr. Colon had knowingly and voluntarily waived his right to conflict-free counsel;

IT IS HEREBY ORDERED that a conference is scheduled for **October 3, 2022, at 3:30 p.m.** in **Courtroom 443**, Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, NY 10007.

IT IS FURTHER ORDERED that time is excluded for the period between July 28, 2022, and October 3, 2022 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial given both the volume of discovery in this case and the logistical difficulties that continue to be caused by the COVID-19 pandemic.

**SO ORDERED.**

**Date: July 28, 2022**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**